

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.3456 OF 2006

Gangaram Sagya Kunchikorve

..Plaintiff.

Vs.

Sukhdev Ratan Ahiwale

..Defendant.

...

Mr. Ramesh Jain for the Plaintiff.

None for the Defendant.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

10th April, 2007.

P.C. :

1 The suit under Order 37 of the Code of Civil Procedure, 1908 is based on a demand Promissory Note dated 7th October, 2006 drawn by the Defendant in favour of the Plaintiff in the amount of Rs.1 lac for consideration received. Upon failure of the Defendant to pay the amount due thereunder, an advocate's notice was issued to the Defendant on 16th November, 2006 to which there was no reply.

2. The Defendant has not entered appearance despite service of the writ of summons. An affidavit of service has been filed. A

compilation of the original documents has also been filed on the basis of which the claim is established. The claim in the suit falls within the purview of Order 37 of the Code of Civil Procedure. The suit is accordingly decreed as prayed subject to the modification that the Plaintiff will be entitled to interest at the rate of 9% per annum from the date of the institution of the suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court Fess, if any, as per rules.

Drawn up decree expedited.